

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC,**

*Plaintiff,*

**v.**

**TEXAS INSTRUMENTS, INC., *et al.*,**

*Defendants.*

**Civil Action No. 6:12-CV-499-LED**

**JURY TRIAL DEMANDED**

**PLAINTIFF'S REPLY IN RESPONSE TO  
DEFENDANT CIVOLUTION'S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC files this Reply to the Counterclaims of Civolution USA, Inc. (“Civolution” or “Defendant”) (Dkt. No. 302) as follows. All allegations not expressly admitted or responded to by Plaintiff are denied.

**JURISDICTION AND VENUE**

1. Plaintiff admits the allegations of Paragraph 1.
2. Plaintiff admits the allegations of Paragraph 2.
3. Plaintiff admits the allegations of Paragraph 3.
4. Plaintiff admits the allegations of Paragraph 4.
5. Plaintiff admits the allegations of Paragraph 5.

**PARTIES**

6. Plaintiff admits the allegations of Paragraph 6, upon information and belief.
7. Plaintiff admits the allegations of Paragraph 7.

**BACKGROUND**

8. Plaintiff admits the allegations of Paragraph 8.

9. Plaintiff lacks knowledge of what Defendant has information and belief of and therefore denies the allegations made in Paragraph 9

**FIRST COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '175 PATENT**

10. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 9 above.

11. Plaintiff denies the allegations of Paragraph 11.

12. Plaintiff denies the allegations of Paragraph 12.

**SECOND COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '175 PATENT**

13. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 12 above.

14. Plaintiff denies the allegations of Paragraph 14.

15. Plaintiff denies the allegations of Paragraph 15.

**THIRD COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '494 PATENT**

16. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 15 above.

17. Plaintiff denies the allegations of Paragraph 17.

18. Plaintiff denies the allegations of Paragraph 18.

**FOURTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '494 PATENT**

19. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 18 above.

20. Plaintiff denies the allegations of Paragraph 20.

21. Plaintiff denies the allegations of Paragraph 21.

**FIFTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '700 PATENT**

22. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 21 above.
23. Plaintiff denies the allegations of Paragraph 23.
24. Plaintiff denies the allegations of Paragraph 24.

**SIXTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '700 PATENT**

25. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 24 above.
26. Plaintiff denies the allegations of Paragraph 26.
27. Plaintiff denies the allegations of Paragraph 27.

**SEVENTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
NON-INFRINGEMENT OF THE '472 PATENT**

28. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 27 above.
29. Plaintiff denies the allegations of Paragraph 29.
30. Plaintiff denies the allegations of Paragraph 30.

**EIGHTH COUNTERCLAIM: DECLARATORY JUDGMENT OF  
INVALIDITY OF THE '472 PATENT**

31. Plaintiff repeats and incorporates by reference its responses to the allegations contained in Paragraphs 1 through 30 above.
32. Plaintiff denies the allegations of Paragraph 32.
33. Plaintiff denies the allegations of Paragraph 33.

**REQUEST FOR RELIEF**

Plaintiff denies that Defendant is entitled to any of the relief it requests.

### PLAINTIFF'S PRAYER FOR RELIEF

In addition to the relief requested in Plaintiff's Original Complaint, Plaintiff respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Plaintiff its costs and attorneys' fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for the Plaintiff as the Court may deem just and proper.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser  
Randall T. Garteiser